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FS.F4138US2RAC

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Hiraoka et al.	)	Group Art Unit 3612
			)	
Appl. No.	:	10/066,414	)	
			)	
Filed	:	February 1, 2002	)	
			)	
For	:	OUTBOARD MOTOR EXHAUST SYSTEM	)	
			)	
Examiner	:	Basinger, S.	)	

**REISSUE APPLICATION DECLARATION**  
**UNDER 37 C.F.R. § 1.175 AND**  
**POWER OF ATTORNEY BY INVENTORS**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

We, the undersigned inventors, hereby declare that:

1. Our residence, mailing address and citizenship are stated below next to our names.
2. We believe that we are the original, first and joint inventors of the subject matter described and claimed in U.S. Patent No. 5,893,783 ("the '783 patent"), which issued April 13, 1999, and of the subject matter disclosed and claimed in the above-referenced reissue application, which is a continuation of reissue application No. 09/835,917, filed April 13, 2001, now abandoned.
3. We have reviewed and understand the contents of the specification, including the claims, of the above-referenced reissue application, the Amendment filed May 20, 2003 and the Supplemental Response being filed herewith in response to the Office Action dated November 20, 2002.
4. We acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to us to be material to patentability as defined in Title 37, Code of Federal

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Regulations, § 1.56. In compliance with this duty and in accordance with 37 CFR §§ 1.97-1.98, an Information Disclosure Statement has been submitted with the reissue application.

5. We continue to claim foreign priority benefits under Title 35, United States Code, 119(a)-(d) of the foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

<u>Prior Foreign Application(s)</u>			<u>Priority</u>
			<u>Claimed</u>
No.: 8-119947	Country: Japan	Date Filed: May 15, 1996	YES
No.: 8-133250	Country: Japan	Date Filed: May 28, 1996	YES
No.: 8-136146	Country: Japan	Date Filed: May 30, 1996	YES

6. We believe that the '783 patent is partially inoperable by claiming less than we had a right to claim.

7. New claims have been added that broaden the originally claimed subject matter. In particular, all of the independent claims of U.S. Patent No. 5,893,783 (Claims 1, 8, 11, and 12) recite first and second cylinder banks in a "V" shape. The new independent claims presented in this reissue application do not include the recitation of "first and second banks [are] arranged generally in a 'V' shape". Thus, the error associated with the recitation of "V" shape is overcome by the addition of the independent claims of the present reissue application.

8. We believe that every error in the patent which was corrected in the present reissue application, and is not covered by a prior declaration submitted in this application, arose without any deceptive intention on the part of the Applicants.

9. We hereby appoint the registrants of Knobbe, Martens, Olson & Bear, LLP, 2040 Main Street, 14<sup>th</sup> Floor, Irvine, California 92614, Telephone (949) 760-0404, Customer No. 20,995, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith. We further acknowledge that the appointed individuals do not represent us as individuals and that the appointed individuals represent the assignee, Yamaha Marine Co. Ltd (formerly Sanshin Kogyo Kabushiki Kaisha). A Certificate of Name Change is also being concurrently herewith, notifying the

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U.S. Patent Office of the above-noted name change. A copy of the Certificate of Name Change being filed herewith is also attached, for the Examiner's convenience.

10. We have read and understand the foregoing statements of this Declaration. We declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or patent issuing information.

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